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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAYMUNDO CHAVEZ,

Plaintiff,

v.

CITY OF OAKLAND, CHIEF WAYNE G.
TUCKER, OFFICER K. REYNOLDS,
OFFICER CESAR GARCIA, and DOES 1-20,
inclusive,

Defendants.

Case No. C08-04015 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING
DATE ON MOTION FOR SUMMARY
JUDGMENT ON THE GROUNDS OF
QUALIFIED IMMUNITY**

THE HONORABLE CHARLES R. BREYER

The parties to the above-captioned litigation, by and through their undersigned counsel of record, hereby stipulate as follows:

1. The parties request to continue the scheduled date for the Motion for Summary Judgment On the Grounds of Qualified Immunity for three weeks, from May 8, 2009 to May 29,

1 2009. The parties have filed their respective opposition and reply papers in accordance with the
2 previously ordered briefing schedule.

3 2. All depositions and written discovery necessary for the Motion for Summary
4 Judgment On the Grounds of Qualified Immunity have been completed.

5 3. Good cause exists for the three-week extension in that plaintiff's counsel is ill and is
6 not expected to be fully recovered by May 8, 2009, and the parties are informed that the Court's
7 next availability is May 29, 2009.

8 4. The May 8 hearing date was scheduled when the Court was obliged to cancel the
9 May 1, 2009 hearing date.

10 5. Two prior extensions have been requested to: (1) enable the parties sufficient time to
11 complete discovery relevant to the motion and (2) allow sufficient time for the parties to file the
12 required opposition and reply papers.

13 DATED: May 6, 2009

14 GROSS BELSKY ALONSO LLP

15
16 /s/ Terry Gross

17 Attorneys for Plaintiff
18 RAYMUNDO CHAVEZ

19 DATED: May 6, 2009

20 OAKLAND CITY ATTORNEY

21
22 /s/ Rachel Wagner

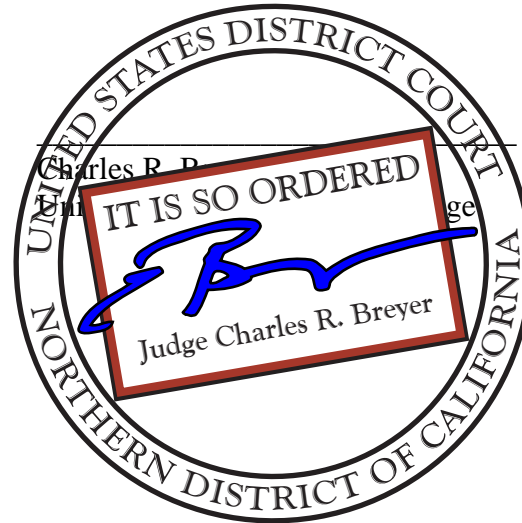
23 Attorneys for Defendants
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ORDER

Based on the stipulation of the parties, and good cause appearing therefor, the hearing date on defendants' Motion for Summary Judgment on Qualified Immunity is hereby continued from May 8, 2009, to May 29, 2009.

IT IS SO ORDERED.

Dated: May 6, 2009



1 **CERTIFICATE OF SERVICE**

2
3 **RE: *Raymundo Chavez v. City of Oakland, et al.***
4 **Case No. C08-04015 CRB**

5 I am a citizen of the United States and employed in the County of San Francisco, State of
6 California. I am over eighteen (18) years of age and not a party to the above-entitled action. My
7 business address is GROSS & BELSKY LLP, 180 Montgomery Street, Suite 2200, San Francisco,
8 CA, 94104. On the date set forth below, I served the following documents in the manner indicated
9 on the below named parties and/or counsel of record:

- 10 • **STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE ON**
11 **MOTION FOR SUMMARY JUDGMENT ON THE GROUNDS OF QUALIFIED**
12 **IMMUNITY**

13 — **Facsimile** transmission from (415) 544-0201 during normal business hours, complete and
14 without error on the date indicated below, as evidenced by the report issued by the
15 transmitting facsimile machine.

16 — **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San
17 Francisco, California.

18 **XX By ECF:** by USDC Live System-Document Filing System on all interested parties registered
19 for e-filing.

20 Rachel Wagner
21 Office of the City Attorney
22 City of Oakland
23 1 Frank H. Ogawa Plaza, 6th Floor
24 Oakland, CA 94612
25 T: (510) 637-0268
26 F: (510) 238-6500

Attorneys for Defendants

27 I am readily familiar with the firm's practice for the collection and processing of
28 correspondence for mailing with the United States Postal Service, and said correspondence would be
deposited with the United States Postal Service at San Francisco, California that same day in the
ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 6,
2009, at San Francisco, California.

/s/ Deanna Micros
DEANNA MICROS